



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703)583-3800 FAX (804) 698-4178
www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Richard C. Doucette, CPG
Regional Director

September 25, 2023

Mr. Hossein Fateh
Zebra Ventures, LLC
1212 New York Avenue, Suite 900
Washington, D.C., 20005

SENT VIA EMAIL: notices@cloudhq.com

Re: Joint Permit Application No. 23-2059
Loudoun Center – Phase II, Loudoun County, Virginia
Additional Information Request Letter and Property Access Agreement

Dear Mr. Fateh:

On September 11, 2023, the Virginia Department of Environmental Quality (DEQ) received your application dated September 1, 2023, for the above-referenced project. DEQ is evaluating your application for a Virginia Water Protection (VWP) individual permit in accordance with VWP Permit Program Regulation 9VAC25-210-10 *et seq.* The following information is required to complete your application:

1. Complete and submit the attached Property Access Agreement for all property owners.
2. Submit a corrected JPA form (section 1) for the project with an Applicant address that is consistent with the business.
3. Clearly differentiate between completed work from the previous permit (WP4-18-1411) and proposed work on project drawings.
4. The JPA states the project will include the construction of a Dominion Power substation along Shellhorn Drive. Please clarify the purpose and need for the substation. Can the data center buildings use the existing substation along the southern boundary?
5. Please explain why the buildings cannot be situated further south toward the property boundary to reduce the amount of impact to impact #8 and impact #9.
6. Provide an evaluation of potential secondary impacts to the surface waters at impact 2, 5, 11 and 12.
7. Please provide the following information, specific to data center development:
 - a. Where and how will coolant water be sourced and discharged?
 - b. Will temporary power be necessary during the construction of the data center campus? Where will the temporary power lines be located?
 - c. Will utility easements in which multiple utilities be installed be constructed concurrently or sequentially? If sequentially, what is the anticipated total duration of disturbance, what type vegetation (stratum) will need to be removed, and what specific measures will be taken to avoid long-term impacts?

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- d. Clarify that any temporary culverts will only be utilized within permitted temporary impact areas.
- e. Address the following in regard to avoidance and minimization:
 - i. Can proposed SWM structures be installed below existing proposed infrastructure (e.g. vaults, below-ground detention, etc.) to reduce total development footprint?
- 8. A permit application fee is required to complete the application and continue noticing the draft permit. Once the proposed impact information has been determined, DEQ will notify you of the fee amount.

In addition to the above information required to complete the permit application, the following information will assist DEQ and other applicable state/federal agencies with completing a timely review of the application:

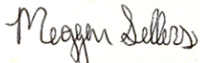
- 1. Provide a hard copy of the impact map that utilizes a scale of no greater than 1 inch to 200 feet, providing cut sheets as necessary.
- 2. Provide a copy of any results or reports from surveys that were conducted to verify the presence or absence of a threatened or endangered species or associated critical habitat. Include any correspondence provided from government resource agencies, as applicable.

The 120-calendar day processing period for a VWP individual permit will not commence until a complete application is received. DEQ requests that you respond by October 7, 2023, so that DEQ can continue to process your application. Please be advised that upon receipt of the requested information, additional information may still be required for DEQ to reach a permit decision.

Please note that this project appears to require compensatory mitigation based on the information provided in the application. If the purchase of mitigation credits is required, credit prices are derived by individual mitigation bank sponsors, not DEQ, and are subject to market fluctuations. Applicants should inquire with any approved mitigation banks or in-lieu fee programs in the watershed in which impacts are proposed to determine the availability and current price of mitigation credits. DEQ also encourages applicants to avoid and minimize impacts as much as possible, which may ultimately affect the amount of mitigation required and thus the cost of mitigating those impacts. Mitigation banking information can be found on the U.S. Army Corps of Engineers' RIBITS website (<https://ribits.ops.usace.army.mil/>), or through a general internet search.

Thank you for your cooperation in this matter. Please contact me at Meggan.Sellers@deq.virginia.gov or by phone at (571) 866-1083 if you have any questions.

Respectfully,



Meggan Sellers
VWP Permit Writer

Enclosure(s): Property Access Agreement

cc: Ms. Kayla Simpson, TNT Environmental, Inc.
Ms. Regena Bronson, U.S. Army Corps of Engineers
Jpa.permit@mrc.Virginia.gov

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Thomas A. Faha
Regional Director

Virginia Water Protection Permit Program Property-Access Agreement

[PROPERTY OWNER NAME(S) – must include ALL] (“Owner”) who own[s] the property located at **[ADDRESS and/or DEED BOOK INFORMATION and/or TAX PARCEL #]** (“Property”) hereby authorizes the Department of Environmental Quality, its employees, agents, and contractors (“Authorized Parties”) the right of entry to the Property to conduct inspections necessary to evaluate the application for and ensure compliance with **[PERMIT NUMBER]** (“VWP Permit”).

For the purpose of this section, the time for inspection shall be deemed reasonable during regular business hours. Nothing contained herein shall make an inspection time unreasonable during an emergency.

Inspections may include but are not limited to the following activities:

1. Enter upon the property, and have access to, inspect and copy any records that required as part of the VWP permit;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter, or activity for the purpose of ensuring compliance with the VWP permit or as otherwise required by law.

The Owner understands that access to the Property is a requirement pursuant to 9VAC25-210-90 and the VWP Permit. The DEQ may enforce the provisions of this agreement utilizing all applicable procedures and authorities under Va. Code §§ 62.1-44.15 and 10.1-1186.

Property Owner Name (Print)	Property Owner Signature	Title	Date
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[Include Title for owners who are not individual persons.]

[Insert additional signature lines for each individual owner listed on property record.]